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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 917/2017**

SATBIR

..... Petitioner

Through: Mr.Anand Mishra and Ms. Gitanajali,
Advocates.

Versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Tarang Srivastava, Addl. Public
Prosecutor for the State with
SI Parmod Kumar, P.S. Sangam
Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **20.12.2017**

Crl. M.A. No.20277/2017 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed off.

CRL.REV.P. 917/2017 & Crl. M. (Bail) No.2189/2017

1. This petition impugns the order dated 07.09.2017 passed by the learned District and Sessions Judge (South District), Saket, New Delhi, in case bearing No.CIS-CA-8057-2016 in FIR No.43/03 registered at Police Station Sangam Vihar, New Delhi, for the offences punishable under sections 279/337/338/304A IPC for having caused the death of one passenger by the name of Shaukeen and injuries to seven other passengers in an RTV Motor Vehicle bearing No.DL IMC 0163, while it was being driven

at a high speed rashly near the Tughlakabad Fort on Mehrauli-Badarpur Road, New Delhi, on 21.01.2017. The petitioner Satbir was arrested.

2. The learned counsel for the petitioner submits that the impugned order suffers from grave errors, insofar as none of the injured persons have identified the petitioner as being the driver of the said vehicle. He refers to the depositions of PWs 2, 3 and 4 as well as to the other witnesses. The Trial Court had noted that the aforesaid witnesses had become hostile. Nevertheless, another person, PW1-Mr. Furkan Ahmed, who was a passenger in the said vehicle, had specifically stated that the petitioner was the driver of the vehicle in question; that it was being driven at a very high speed on a slope and since the petitioner – driver, was unable to control it, it turned over at a ferocious speed, thereby leading to fatal injuries to the deceased as well causing injuries to seven other passengers.

The Trial Court has reasoned as follows:-

“ It is thus, clear that the accused/appellant was driving the offending vehicle rashly on a slope. The other witnesses have stated that the vehicle was at a fast speed. Clearly, negotiating a slope at fast speed is an extremely rash act. This resulted in the accident to rendering the vehicle upside on the road and resulting in a passenger being killed.

The site plan Ex.PW7/B also delineates both the spot at A & B. Point A is the spots where the RTV was found turned turtle whereas B is the point where the site plan notes the RTV had tried to overtake but being unable to do so the driver had applied the brakes due to which the RTV turned turtle. This would show that at a slope the driver was so careless to have attempted to overtake.

Thus, the culpability of the accused/appellant Satbir has been established beyond shadow of doubt and,

therefore, no benefit of doubt that can be granted to the accused/appellant.

Turning to the sentence, the Ld. Trial Court has given very cogent reasons for imposing the sentence. It has tried to explore the possibility of awarding compensation but it observed that compensation had already been received by the victims. It noted that the accused/appellant was a professional driver and professional drivers had a greater onus on them to prevent accidents. It noted that the accident death cases have been increasing and that adequate sentences had to be imposed to deter errant drivers. This Court finds no reason to differ from this conclusion of the Ld. Trial Court.

The Conviction and sentences are accordingly, confirmed. The appeal is dismissed as being devoid of merits.”

3. The petitioner, had been identified by a passenger in the offending vehicle, as driving rashly at high speed, leading to a fatality and other injuries. The evidence of PW1 Furkan Ahmed remains unassailed and unblemished. Therefore, reliance on the same was logical and inescapable.
4. The Court is of the opinion that the impugned order is well reasoned and needs no interference by this Court. Therefore, the petition, being without merits, is dismissed alongwith the pending application.

NAJMI WAZIRI, J.

DECEMBER 20, 2017

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